

**FLATHEAD COUNTY PLANNING AND ZONING
MAJOR LAND USE PERMIT REPORT (#FCMU-11-02)
MIDDLE CANYON LAND USE ADVISORY COMMITTEE MEETING
FEBRUARY 29, 2012**

The Middle Canyon Land Use Advisory Committee met on Tuesday, February 28th, at 7:00 PM in the West Glacier Fire Hall to review the proposed major land use application and make a recommendation to the Flathead County Planning Board. Staff presented the draft report, reviewing pertinent criteria and respective conditions related to signage, parking and access, sanitation requirements, stormwater and phasing requirements.

Following staff's presentation, Committee members posed questions to staff as well as the applicant regarding the zoning administrator interpretation written in December of 2011 regarding the expansion of use, and how the zoning office felt a use not otherwise defined in the regulations fit within this expansion language. Staff explained the Zoning Administrator had referred to language in the neighborhood plan (Chapter Five, page V-10) which broadly defines local recreation business and tourist amusement activities contemplated as appropriate for the area; it was determined non-mechanized zip line tours would fall within this category of recreational opportunities and would therefore be appropriate given language in the plan and the zoning text.

Questions were also posed by the Committee related to the height of the zip line platforms and towers, and whether these entities would be required to meet the 35 ft. height restriction of the district. One member of the public also voiced some concerns over the heights of towers to be utilized. Staff explained that based on the definition of 'structure' found in the CALURS regulations, the decking proposed as part of the zip line operation would not qualify as structural; however, support towers would appear to meet the definition of structure, as they would be permanently attached to the ground. The applicants stated they were not sure of the exact height the towers would be, as this was solely dependent on the final layout and topography involved; they did not feel any tower would extend above tree-line. Staff suggested the committee consider recommending a condition that would require a variance to height restriction be obtained, if the final layout of the zip line course required structural towers higher than 35 feet.

The topic of signage and the limitations imposed by Condition #4 were also discussed by the Committee, the applicants and staff. The applicants had requested the 8 sq. ft. of off-premise signage allowed for the Green Valley Ranch property be relocated to the Montana Raft Company property up the highway, as this would be where staging would occur until Phase 3 of the development. Staff explained that a major land use review was not the appropriate venue to request a variance to the regulations; while the request was perfectly logical and may be grounds for a variance; this would have to be considered as a separate application, not within the context of a major land use review. The ownership arrangement was discussed at length, as the signage regulations permit one sign per business – not property, as well as the nature of recreation businesses (most outfitters place signage at the location of the business office and not necessarily where the activity is occurring; for instance, rafting). Staff suggested some alternate language for Condition #4 if the committee had strong feelings on this issue; Committee member Nic Lee felt the applicants should go through a variance to relocate signage and did not feel the condition needed to be altered at this time.

Staff also mentioned the inclusion of time limits for the proposed phasing of the project, to ensure the review remained current and planning staff could easily follow up on the project status over time. Staff suggested two to three year increments for each phase, and asked the applicants if they had alternate suggestions; none were presented during the meeting.

Board Action

- A motion was made by Nicolas Lee and seconded by John Glader to forward a recommendation of approval of the major land use permit to the Flathead County Planning Board, based on the 14 Findings of Fact and 12 conditions of approval presented by staff, with the addition of Condition #13 as follows:

Condition #13 - The maximum height of any structural element (excluding decking but including poles, towers or other elements permanently attached to the ground) shall not extend more than 35 feet above the highest topographic point on the subject property considered by this review.

- ✓ Upon roll call vote the motion passed unanimously (2-0).